

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CARRIE SAMUELS-ENG,)
Plaintiff,)
v.) Case No. 4:22-CV-00394-SPM
GALLAGHER BASSETT SERVICES INC.,)
Defendant.)

JOINT PROPOSED SCHEDULING PLAN

Pursuant to Federal Rules of Civil Procedure 16(b) and 26(f) and this Court's Order dated October 31, 2022 (Doc. 37), Plaintiff Carrie Samuels-Eng and Defendant Gallagher Bassett Services, Inc., by and through their undersigned counsel, hereby submit their Joint Proposed Scheduling Order and Discovery Plan.

I. Rule 26(f) Meeting

Pursuant to Fed. R. Civ. P. 26(f), a telephonic meeting was held on December 7, 2022 and was attended by Joseph Ott and Mark Blankenship of Ott Law Firm, 3544 Oxford Avenue, Maplewood, MO 63143, for Plaintiffs, and Angela Courtwright, Ice Miller, LLP, 250 West Street, Suite 700, Columbus, Ohio 43215 and Charles Bush, Ice Miller, LLP, One American Square, Suite 2900, Indianapolis, IN 46282 for Defendant. A follow-up telephonic meeting was held on December 7, 2022 between Mr. Ott and Mollie Mohan, Tueth Keeney Cooper Mohan & Jackstadt, P.C. 34 N. Meramec, Suite 600, St. Louis, MO 63105 for Defendant.

II. Initial Disclosures

The parties will exchange initial disclosures required by Rule 26(a)(1) by **December 23, 2022**.

III. Joinder of Additional Parties/Amendments of Pleadings

The parties do not anticipate filing any motions to join additional parties or for amendment of the pleadings.

IV. Discovery Plan

The Parties jointly agree to the following discovery plan:

A. Anticipated Discovery

The parties anticipate conducting discovery on the issues of potential liability, the Defendant's affirmative defenses, and Plaintiff's alleged damages. They anticipate exchanging written discovery requests and taking the deposition of Plaintiff and other material witnesses. The parties agree presumptive limits of ten (10) depositions under Fed. R. Civ. P. 30(a)(2)(A) and twenty-five (25) interrogatories under Fed. R. Civ. P. 33(a) per party apply in this case.

B. Time for Completion of Discovery

This case has been assigned to **Track 2: Standard**, and the parties agree this Track Assignment is appropriate. All discovery shall be commenced in time to be completed on or before **July 11, 2023**.

C. Designation of Experts Under Rule 26(a)(2)

Plaintiff shall have until **March 11, 2023** to disclose the identity of any expert witness who may be used at trial and provide Defendant with a copy of any expert report required by Rule 26(a)(2)(B), and such expert(s) shall be made available for deposition no later than **April 10, 2023**.

Defendant shall have until **May 11, 2023** to disclose the identity of any expert witness who may be used at trial and provide Plaintiff with a copy any expert report required by Rule

26(a)(2)(B), and such expert(s) shall be made available for deposition no later than **June 10, 2023**.

D. Rule 35 Examinations

Any physical or mental examinations of parties must be requested pursuant to Rule 35 no later than **May 11, 2023**.

E. Electronic Discovery

The parties agree that ESI shall be handled as follows:

- No discovery request or disclosure requirement shall be interpreted to require production or disclosure of embedded data (i.e., metadata and information describing the history, tracking or management of an electronically stored document), unless a specific request for such information is made.
- The parties will produce ESI in searchable, PDF format, to allow documents to be individually bates labeled, indexed, and searched, with the exception of video or audio files, and .csv or excel files, which shall be produced in native format *and* searchable PDF format, unless otherwise agreed to by the parties.

The parties may modify by written agreement any of these parameters with regard to ESI and agree to work in good faith to attempt to reach a resolution regarding any modifications to these parameters.

F. Protective Order

Defendant anticipates the need for a protective order governing discovery in this matter and the parties will jointly file a Protective Order prior to exchanging documents.

G. Privileged Materials

Inadvertent disclosure of privileged information shall be governed by Fed. R. Civ. P. 26(b)(5)(B) and Fed. R. Evid. 502. The production of privileged or protected information and documents without the intent of waiving that privilege or protection does not constitute a waiver, so long as the disclosing party identifies the inadvertently disclosed documents within a reasonable time. If such documents are identified, they will be returned promptly to the disclosing party. Pursuant to Fed. R. Evid. 502(d), the parties request that the Court's scheduling order reflect that any disclosure in this case that the Court finds is not a waiver of privilege for purposes of this case shall not be a waiver of privilege for purposes of any other Federal or State proceeding. The parties reserve the right to move the Court pursuant to Fed. R. Evid. 502(e) to incorporate into a Court order any agreement on the effect of a disclosure.

V. Dispositive Motions

Any motions for summary judgment or judgment on the pleadings must be filed no later than **August 11, 2023**.

VI. Alternative Dispute Resolution

This case shall be referred to alternative dispute resolution, to be completed no later than **August 1, 2023**.

VII. Trial

Plaintiff has requested a jury trial. The parties propose that trial begin within 60 days after the ruling on any dispositive motion and request a pretrial conference thirty (30) days before the first date of the trial. The parties estimate that five days are required for trial.

Respectfully submitted,

PLAINTIFF CARRIE SAMUELS-ENG

By: /s/ Joseph A. Ott

Mark E. Blankenship Jr., #73123MO
Joseph A. Ott, #67889MO
OTT LAW FIRM
3544 Oxford Avenue
Maplewood, MO 63143
Phone: (314) 293-3756
Fax: (314) 689-0080
mark@ott.law
joe@ott.law

DEFENDANT GALLAGHER
BASSETT SERVICES, INC.

By: /s/ Mollie G. Mohan

Mollie Mohan, #64754MO
TUETH KEENEY
COOPER MOHAN &
JACKSTADT, P.C.
34 N. Meramec Avenue, Suite 600
St. Louis, MO 63105
Phone: (314) 880-3600
Fax: (314) 880-3601
Mmohan@tuethkeeney.com

Charles E. Bush II
Pro Hac Vice
ICE MILLER LLP
One American Square, Suite 2900
Indianapolis, IN 46282-0200
Phone: (317) 236-2100
Fax: (317) 236-2219
Charles.bush@icemiller.com

Kyle T. Finnegan
Pro Hac Vice
ICE MILLER LLP
200 West Madison Street, Suite 3500
Chicago, IL, 60606-3417
Phone: (312) 726-8130
Fax: (312) 726-8132
Kyle.finnegan@icemiller.com

Angela M. Courtwright
Pro Hac Vice
ICE MILLER LLP
250 West Street, Suite 700
Columbus, OH 43215
Phone: (614) 462-1084
Fax: (614) 221-3218
Angela.Courtwright@icemiller.com

Counsel for Defendant